IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

Arbitration Petition No.333 of 2007

Citicorp Finance (India) Ltd. ..Petitioner

vs.

1. M/s Jai Balaji Tours and Travels & ors. ..Respondents

Mr.Mannadiar for petitioner.

CORAM: S.C.DHARMADHIKARI J
15th October,2007

P.C.

1. The service is complete as observed by me on 5th October, 2007.

2. Pursuant to the liberty granted in my order of that date, Mr.Mannadiar has filed the affidavit of the petitioners pointing out therein that two vehicles whose chasis numbers are (i) 41029BUZ001519 and (ii) 410295BUZ001503 and Engine Nos.50A62383971 and 40M62375701 are parked at Pune. The said affidavit is taken on record. In such circumstances, he prays that if the vehicles are allowed to be plied without any protection by this Court, then, the claim which was to the extent of Rs.16,42,298.21 at the time of filing of this petition will be completey frustrated and defeated.

He submits that no purpose would then be served by going before the sole Arbitrator. He submits that the respondents did not appear before the sole Arbitrator also. In such circumstasnces, in my view, it is just and convenient to appoint the Court Receiver, High Court, Bombay of the vehicles bearing Chasis numbers (i) 410295BUZ001519 and (ii) 410295BUZ001503 and engine numbers (i) 50A62383971 and (ii) 40M62375701. The Court Receiver upon taking possession of these vehicles shall appoint the respondents as his agents on such terms he deems fit, just and proper. However, the Court Receiver to submit his report after the vehicles are identified and possession is taken by him, Petition is disposed of accordingly.

(S.C.DHARMADHIKARI J.)